

October 1, 2019

Via ECF

Honorable Frederic Block
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Gustavia Home LLC. v. FV-1, Inc., in Trust for Morgan Stanley Mortgage Capital Holdings, Case Number 18-cv-6800 FB-SJB
GM File 44444.0129

Hon. Frederic Block:

We represent Defendant, FV-1, Inc., in Trust for Morgan Stanley Mortgage Capital Holdings ("Defendant" or "FV-1") in the above-referenced matter. Further to FV-1's currently pending motion to stay or dismiss this action, based on the principles of *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976) (the "Motion"), I am writing to advise the Court that on September 10, 2019, the parties appeared at a mediation with Mediator Joseph DiBenedetto. Due to the impasse between the parties, the mediation did not result in a settlement.

In addition, and relevant to FV-1's pending Motion, on September 11, 2019, FV-1 was served with Plaintiff Gustavia Homes LLC's ("Gustavia") initial brief in support of its appeal to the Appellate Division, Second Department, appealing the Queens County Supreme Court decision denying Gustavia's motion to renew the denial of its motion to dismiss, based on statute of limitations grounds and the *Freedom Mortgage Corp. v. Engel*, 163 A.D.3d 631, 81 N.Y.S.3d 156 (2nd Dept. 2018) decision.

Very truly yours,

GREENSPOON MARDER LLP



Wendy Michael, Partner

cc: Rafi Hasbani, Esq. (via ECF and email)